

Chapter 8 Nuisance and Construction noise revisions

**Article 8-10 NUISANCE NOISE**

- Section 8-10-1 General Prohibitions
- Section 8-10-2 Declaration of Certain Acts Constituting Disturbing, Excessive, or Offensive Noises
- Section 8-10-3 Exemptions
- Section 8-10-4 Penalty
- Section 8-10-1 GENERAL PROHIBITIONS
- Section 8-10-2 DECLARATION OF CERTAIN ACTS CONSTITUTING DISTURBING, EXCESSIVE, OR OFFENSIVE NOISES

- A. Excessive Animal Noise
- B. Yard/landscape Maintenance Equipment
- C. Burglar Alarms

**D. Construction Related Activities**

- Section 8-10-3 Exemptions
- Section 8-10-4 Penalty

**Section 8-10-2 DECLARATION OF CERTAIN ACTS CONSTITUTING DISTURBING, EXCESSIVE, OR OFFENSIVE NOISES**

- B. Yard/landscape Maintenance Equipment
  - 1. Definitions.
    - a. **"Decibel" shall mean a logarithmic unit of measurement which indicates the ratio between two quantities commonly referred to as electric or sound energy levels, or pressure levels. One decibel on the A-weighted scale is abbreviated "dB (A)."**
    - b. **"Summer" shall mean those months from May through September, inclusive.**
    - c. "yard/landscape maintenance device" as used in this section, shall mean any portable, hand-held or propelled, ridden, carried, or pushed device, which is capable of and intended for landscape and yard maintenance purposes. This includes, but is not limited to, leaf blowers, chain saws, lawn mowers, edgers, or weed or string cutters.

- 2. Violations.

~~No~~ **It shall be lawful for any person shall to operate, or cause to be operated, yard/landscape maintenance devices, on properties not subject to a special use permit, between sunset and sunrise 7 AM and 5 PM on weekdays and Saturdays Monday through Friday, and prior to 8:00 a.m. and after sunset between 9 AM and 5 PM on Saturdays and Sundays and on the legal holidays as defined in Section 10-7-2 (10) of this Code.**

**D. Construction and Related Activities** (*this section was moved from Section 10-7-5*)

**A1. It is shall be unlawful for any person to operate or permit to be operated any pile driver, power shovel, rotary drill or auger, loader, pneumatic or hydraulic hammer, or bulldozer heavy equipment such as, but not limited to, a loader or backhoe, in any**

~~building, construction, demolition, land clearing, excavation or similar outside construction activity, between sunset and sunrise~~ **7 AM and 5 PM** on Monday through Friday, and at ~~all~~ **no** times on Saturdays, Sundays and designated legal holidays. **Summer hours may start one (1) hour earlier. The Town Manager, or his designee, may grant exceptions upon written request.**

~~B2. It shall be unlawful for any person to perform or cause to be performed the maintenance or servicing of construction vehicles or equipment or to deliver or cause to be delivered construction equipment or materials to a construction site between sunset and sunrise~~ **7 AM and 5 PM** Monday through Saturday, and at ~~all~~ **no** times on Sundays and designated legal holidays, **as defined in Section 10-7-2 (10) of this Code**, except that sprayed termite prevention material may be applied ~~between sunset and sunrise~~ **at any time. Summer hours may start one (1) hour earlier. The Town Manager, or his designee, may grant exceptions upon written request.**

~~C3. It is~~ **shall be** ~~unlawful~~ for any person to operate or permit to be operated any device **or equipment not identified in Section 8-10-2 D. 1** in any building, construction, demolition, land clearing, excavation or similar outside construction **activity**, alteration, or repair work on any buildings, structures or projects, between ~~sunset and sunrise~~ **7 AM and 5 PM** Monday through Saturday, and at ~~all~~ **no** times on Sundays and designated legal holidays, **as defined in Section 10-7-2 (10) of this Code**, if the noise level created exceeds ~~45~~ **75** dB(A) measured at the nearest ~~residential or commercial~~ property line. **Summer hours may start one (1) hour earlier.**